

The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:35 A.M. on Wednesday, October 3, 2001.

PRESENT: Ted Dziurman
Rick Kessler
Bill Need
Rick Sinclair
Frank Zuazo
Ginny Norvell
Pam Pasternak

ITEM #1 – APPROVAL OF MINUTES – MEETING OF September 5, 2001.

Motion by Need
Supported by Kessler

MOVED, to approve the minutes of the meeting of September 5, 2001 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – VARIANCE REQUESTED. DAN HEILEMAN, HEILEMAN SIGNS, REPRESENTING ELDER FORD, 777 JOHN R., for relief of Chapter 78 to replace an existing sign box and reclad the existing sign pole.

Ms. Norvell stated that the petitioner is requesting relief of the Sign Ordinance to replace an existing sign box and reclad the existing sign pole at 777 John R.

Section 9.02.04, A of the Sign Ordinance:

1. Limits the site to 2 ground signs and the proposal is for 3 to remain;
2. Limits the height of signs to 25' and the proposed sign is 42.1' high;
3. Requires that a sign of this size be placed at least 30' from the right-of-way, (105 feet from the section line). The proposed sign would remain in the future right-of-way approximately 65' from the section line; and
4. Limits the size to 200 square feet and the proposed sign is 260 square feet.

This item first appeared before the Board at the meeting of September 5, 2001 and was postponed at the request of the petitioner.

Mr. Dan Heileman of Heileman Signs, and Mr. Tony Elder, Owner of Elder Ford, were present. Mr. Heileman stated that in 1999 they were granted permission by this Board to change the existing sign. Shortly after, the Ford Company came out with a sign, which they wished to be used nationally. Mr. Heileman also stated that presently there are four (4) ground signs on site, and they planned on removing two (2) of these signs. Mr. Heileman also felt that since the new sign is oval shaped it would actually be smaller and set further back from the right of way, than their initial proposal.

ITEM #2 – con't.

Mr. Heileman went on to say that they also planned to replace the existing cabinet of the used car sign, at which time Ms. Norvell stated that they would need to file for another Public Hearing as only a “face” change would be allowed on the existing sign. A change in the cabinet would require a variance.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written objections or approvals on file.

Ms. Norvell also pointed out that the petitioner’s request included re-cladding of the existing sign pole, and presently the existing sign pole intrudes about 3” into the sidewalk. Ms. Norvell stated that re-cladding the existing sign pole would create a larger intrusion into the sidewalk. Mr. Elder stated that they have made provisions to rework the sidewalk and put in a curve around the sign pole.

Motion by Need
Supported by Sinclair

MOVED, to grant Dan Heileman, Heileman Signs, Representing Elder Ford, 777 John R., relief of Chapter 78 to replace an existing sign box and reclad the existing sign pole.

- Petitioner will remove two (2) existing signs: Truck Sign and Lubrication Sign.
- Petitioner will move sidewalk and maintain no intrusion of signpost onto sidewalk.
- Petitioner will apply for a variance to replace the existing used car sign box.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #3 – VARIANCE REQUESTED. GREG DEGORSKY, 4826 BELZAIR DR., for relief of Chapter 83 to install a privacy fence.

Petitioner is requesting relief to construct a 6’ high privacy fence. This lot is located at the northeast corner of Belzair and Choice Ct. and by definition is a double front corner lot. As such, Chapter 83 limits fences in the front yard setbacks of both Belzair and Choice to not more than 30 inches in height. The application submitted indicates a 6’ high privacy fence within 20’ of the front lot line along Choice Ct.

Mr. DeGorsky was present and stated that he and his wife planned to put in an in-ground pool, and according to the Ordinance, this pool would have to be protected by a fence. Mr. DeGorsky also stated that he has three young children and is concerned about their safety in regards to the traffic in this area. Mr. DeGorsky brought in pictures to show the Board how the proposed fence would look. Mr. DeGorsky pointed out that

ITEM #3 – con't.

there are several mature trees on his property and much of the fence would be concealed from view. Mr. DeGorsky also stated that presently there is a 6' high fence that runs along the back of his property. Mr. DeGorsky said that there have been several reports of teenagers speeding through the area.

The Chairman opened the Public Hearing.

Mr. and Mrs. Chris Rodgers, 511 Choice Ct. were present and stated that they are opposed to this request. Mr. Rodgers stated that he feels that a 6' high privacy fence is totally out of character to this area and is concerned about the maintenance of the fence. Mr. Rodgers also stated that he is concerned about the safety of the children waiting at the bus stop. Mr. Dziurman pointed out that if an in-ground pool were to be installed, a fence would be required as a safety issue.

No one else wished to be heard and the Public Hearing was closed.

There are eleven (11) written objections on file. There are no written approvals on file.

Mr. Need asked if Mr. DeGorsky had approached the Traffic Safety Committee to request either a yield sign or a stop sign. Mr. DeGorsky stated that he had not contacted the Traffic Safety Committee with this request, although he thought that other residents had done so. Mr. DeGorsky went on to say that he did not think that the proposed fence would create a safety issue for either drivers or children at the bus stop.

Mr. Need asked what the City requires when an in-ground pool was installed and Ms. Norvell replied that it would need to be protected, however, the entire yard would not have to be fenced. Mr. DeGorsky stated that the pool would be placed at the rear of property due to the fact that there is an electrical line that runs through the property, as well as trees, which he believes, are between 50 and 100 years old.

Motion by Need
Supported by Zuazo

MOVED, to deny the request of Mr. Greg DeGorsky, 4826 Belzair Dr. for relief of Chapter 83 to install a privacy fence.

- Petitioner did not demonstrate a hardship.
- Board feels that petitioner could bring request back to the Board, after the in-ground pool is installed.

Yeas: All – 5

MOTION TO DENY REQUEST CARRIED

ITEM #4 – VARIANCE REQUESTED. MARIAN JASKULA, REPRESENTING LEONARD ELEMENTARY SCHOOL, 4401 TALLMAN, for relief of Chapter 78 to place 21 off-site signs to advertise a special event.

Ms. Norvell explained that the petitioner is requesting relief of Section 14.03 of Chapter 78 to place 21 off-site signs to advertise a special event where Chapter 78 limits the number of off-site signs to four (4). Also one of the signs is proposed to be 8 square feet where Chapter 78 limits the size of off-site special event signs to be 6 square feet. Petitioner is also requesting to display the signs for eight (8) days where a maximum of seven (7) days is permitted.

Ms. Connie Belanger was present and stated that this event has been held each year for the past 16 years. Ms. Belanger explained that they would be willing to remove the signs within the seven (7) day limit, and the largest sign is actually less than 6 square feet.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

Motion by Need
Supported by Sinclair

MOVED, to grant Connie Belanger, representing Leonard Elementary School, 4401 Tallman, relief of Chapter 78 to place 21 off-site signs to advertise a special event.

- Signs will be removed within 48 hours following the event.
- Signs will be erected for a period not to exceed seven (7) days.

Yeas: All – 5

MOTION TO APPROVE REQUEST CARRIED

ITEM #5 – VARIANCE REQUESTED. DAN SALYERS, 38753 DEQUINDRE, for relief of Chapter 83 to erect a 6' high privacy fence.

Mr. Kessler explained that the petitioner is requesting relief of Chapter 83 to erect a 6' high privacy fence. This lot is a double front corner lot and therefore has a front setback along Dequindre as well as Ashbury. Chapter 83 limits fences in front yards to 30" in height. The permit application submitted indicates a 6' high obscuring fence at the front property line along Ashbury.

Mr. Dan Salyers was present and stated that his neighbor across the street, had erected a privacy fence and he noticed a difference in the noise from the traffic. Mr. Salyers also stated that he owned two Dobermans and people walking on the sidewalk next to his property are intimidated by them.

ITEM #5 – con't.

Gary Workman, Tadian Homes, was also present and stated that Mr. Salyers had approached them to install this fencing. Mr. Workman stated that based on their previous experience in installing a privacy fence across the street, they have already planned to locate the fence 5' from the right-of-way along Ashbury.

Mr. Need asked about the location of the fence from Mr. Salyers' home, and Mr. Workman stated that it would come out from the back of the house and tie into an existing fence. Mr. Kessler asked where the neighbor's driveway was located due to the fact that he was concerned about visibility for cars pulling out of the drive. Mr. Workman stated that he could modify the fence to come out at a 45-degree angle from the corner near the neighbor's driveway. After further discussion Mr. Salyers agreed to a 25' corner clearance to improve visibility.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written objections or approvals on file.

Motion by Sinclair
Supported by Kessler

MOVED, to grant Dan Salyers, 38753 Dequindre, relief of Chapter 83 to erect a 6' high privacy fence in the front property line along Ashbury, setback 5' from the property line.

- The fence, adjacent to the neighbor's driveway, will be setback to maintain a 25' corner clearance, to allow for better visibility.
- The variance will not be contrary to public interest.

Yeas: All – 5

MOTION TO APPROVE REQUEST CARRIED

The Building Code Board of Appeals meeting adjourned at 9:10 A.M.

GN/pp